

C. L. DUVALL,)	AGBCA No. 2002-113-1
)	
Appellant)	
)	
Representing the Appellant:)	
)	
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)	
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DECISION OF THE BOARD OF CONTRACT APPEALS

September 17, 2002

Before POLLACK, VERGILIO, and WESTBROOK, Administrative Judges.

Opinion for the Board by Administrative Judge WESTBROOK.

This appeal arises out of Whitzon Hollow Timber Sale, Contract No. 0810-05-012302, Boston Mountain Ranger District, Ozark-St. Francis National Forests, Arkansas, between the U. S. Department of Agriculture, Forest Service (Government or FS) and C. L. Duvall of Russellville, Arkansas (Appellant).

The Board has jurisdiction to decide the timely-filed appeal pursuant to the Contract Disputes Act of 1978 (CDA), 41 U.S.C. ' ' 601-613, as amended.

The appeal involved the termination of the above referenced timber sale for failure to cut and the subsequent assessment of damages against Appellant, the purchaser. Appellant also had claims. The parties filed pleadings and the Government submitted an Appeal File. When the Board asked the parties to indicate whether a hearing was requested, Appellant-s counsel asked for a hearing in a relatively short time frame. The Board convened a telephonic conference on July 15, 2002. During the conference, counsel for both parties and the presiding judge discussed their availability for a hearing. There was also a discussion of alternatives to a hearing, e.g., settlement, Board assisted

settlement, alternate disputes resolution, or adjudication pursuant to Board Rule 11. While the parties indicated an interest in settlement, the Board also tentatively set a hearing for August 28, 2002 in Little Rock, Arkansas.

By letter dated July 19, 2002, Government counsel informed the Board that the appeal had been settled. The Board has now received a Mutual Settlement Agreement and Release signed by the Contracting Officer and Appellant.

DECISION

The parties have reached a settlement in this matter. The appeal is therefore dismissed with prejudice.

ANNE W. WESTBROOK
Administrative Judge

Concurring:

HOWARD A. POLLACK
Administrative Judge

JOSEPH A. VERGILIO
Administrative Judge

Issued at Washington, D.C.
September 17, 2002